



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

July 1, 2002

Reply to
Attn of: WCM-121

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Alan L. Prouty
J.R. Simplot Company
999 Main Street
One Capital Center
Boise, Idaho 83707

Re: United States of America v. J.R. Simplot Remedial
Design/Remedial Action Consent Decree (RD/RA Consent
Decree), Civil Action No. 99-296-E-BLW, May 9, 2002

Dear Mr. Prouty:

The United States Environmental Protection Agency ("Agency" or "EPA") has received your response dated June 14, 2002, providing supplemental information regarding MFG's qualifications to perform the work required pursuant to the Consent Decree. Pursuant to Section VI, Paragraph 10 of the Consent Decree, EPA is authorizing you to proceed.

We would also like to prevent any misunderstanding regarding the scope of the remedial action for ground water which is currently under design. You state in your June 14, 2002 letter that treatment of ground water prior to its reuse or recycling in the processes at the Don plant is not addressed in the Consent Decree. As stated in Section III, Paragraph B of the Statement of Work, Appendix B of the Consent Decree: "The groundwater extraction system described in the ROD calls for recycling of the extracted ground water into the Don Plant Process. If this option is not feasible, then extracted ground water may have to undergo treatment. In such a case treatment technologies shall be developed."

My understanding of this provision, following consultation with the EPA team who negotiated the Decree, is that the feasibility of recycling extracted groundwater into the Don Plant Process will be explored during the remedial design phase and that if recycling is not shown to be feasible, such that it may reasonably be expected to address the problem of where to place or discharge the extracted ground water, development of a ground

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water treatment system will become part of the remedial design. If this is in any way inconsistent with your understanding or reading of the Record of Decision (ROD), Consent Decree and attachments, or any of these documents individually, please promptly so advise me. We are eager to have the remedy design and implementation phases proceed as smoothly and efficiently as possible. There are a number of means to clarify this critical point if we our understanding differs. We underscore our conviction that it is critical for all concerned to resolve any such differences as promptly as possible. If you would like to discuss this further, please contact me at (206)553-6636, or counsel on you behalf may contact Charles Ordine, EPA counsel for this Site, at (206)553-1504.

Sincerely,



Linda Meyer
Project Manager RCRA/Superfund

cc: Susan Hanson, RCRA-CERCLA Program, Shoshone-Bannock Tribes
Doug Tanner, IDEQ

bcc: Charles Ordine, ORC
Administrative Record File
Sue Skinner, Pocatello
David Croxton, ECL